

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW REVISION ACT 1990

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No. 33 of 1990

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    1989  
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SCHEDULE





# NORTHERN TERRITORY OF AUSTRALIA

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No. 33 of 1990

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## AN ACT

to revise and correct the law of the  
Territory in minor respects

[Assented to 11 June 1990]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Statute Law Revision Act 1990*.

2. AMENDMENT TO ADMINISTRATION AND PROBATE ACT

The *Administration and Probate Act* is amended by omitting Division 7 of Part III and substituting the following:

*"Division 7 - Commission*

"102. EXECUTORS, &c., MAY BE ALLOWED COMMISSION

"(1) It shall be lawful for the Court to allow out of the assets of a deceased person to his executor, administrator or trustee for the time being, in passing his accounts, such commission or percentage, not exceeding 5% for his pains and trouble as is just and reasonable.

"(2) No such allowance shall be made to an executor, administrator or trustee who neglects or omits, without a special order of the Court, to pass his accounts in accordance with section 89."

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3. AMENDMENT TO *CROWN LANDS ACT*

Section 102M of the *Crown Lands Act* is amended -

- (a) by omitting from subsection (1) all the words after and including "section 46(1A)" and substituting the following:

"section 46(1A) of the *Lands Acquisition Act* -

- (d) form an association of Aborigines incorporated under the *Associations Incorporation Act* or the *Aboriginal Councils and Associations Act 1976* of the Commonwealth; or
- (e) approve an association already formed under either of the Acts specified in paragraph (d), being an association which, at the time of the approval, does not hold and is not intended to hold, other land as an Aboriginal community living area under Part IV of this Act,

to hold the land."; and

- (b) by omitting from subsection (2) "upon the formation of an association referred to in subsection (1)" and substituting "upon being advised of the formation of an association referred to in subsection (1)(d) or of the approval of an association referred to in subsection (1)(e)".

4. AMENDMENTS TO *INTERPRETATION ACT*

Section 18 of the *Interpretation Act* is amended -

- (a) by inserting after the definition of "Auditor-General" the following:

"'Commissioner of Police' means the Commissioner of Police appointed or holding office under the *Police Administration Act*"; and

- (b) by inserting after the definition of "medical practitioner" the following:

"'member of the Police Force' means a member of the Police Force appointed or holding office under the *Police Administration Act*";.

5. AMENDMENT TO *LANDS ACQUISITION ACT*

Section 46(1A) of the *Lands Acquisition Act* is amended by inserting, after "formed", the words "or approved".

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6. AMENDMENT TO *MISUSE OF DRUGS ACT*

Section 37(1) of the *Misuse of Drugs Act 1990* is amended by omitting the definition of "aggravating circumstances" and substituting the following:

"'aggravating circumstance' means, subject to subsection (2) -

- (a) a second or subsequent offence against -
  - (i) this Act; or
  - (ii) a provision of -
    - (A) a law in force in the Territory before the commencement of this Act; or
    - (B) a law of the Commonwealth or a State or another Territory of the Commonwealth (whether the offence was committed before or after the commencement of this Act),

which, in the opinion of the court, is the equivalent of or a similar offence to an offence against a provision of this Act;

- (b) an offence against this Act in circumstances involving a prison or police prison or a prisoner (within the meaning of the *Prisons (Correctional Services) Act*); or
- (c) an offence against section 5 or 9 committed on or in licensed premises, a school, playground, youth centre, video facility or public swimming pool;".

7. AMENDMENTS TO *OMBUDSMAN (NORTHERN TERRITORY) ACT*

Section 9 of the *Ombudsman (Northern Territory) Act* is amended by omitting subsection (1) and substituting the following:

"(1) Subject to subsection (1AA), the Administrator may appoint a person to act in the office of the Ombudsman during -

- (a) a period, or during all periods, when the person holding the office is absent from duty or from the Territory or is, for any other reason unable to perform the duties of his office;
- (b) the suspension from office of the person holding the office; or
- (c) a vacancy in the office.

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"(1AA) A person appointed under subsection (1) shall not act in the office of the Ombudsman for a continuous period exceeding 3 months unless the appointment was made on the recommendation of the Legislative Assembly."

### 8. AMENDMENT TO REAL PROPERTY AMENDMENT ACT (NO. 2) 1989

(1) The Schedule to the *Real Property Amendment Act (No. 2) 1989* is amended by inserting in the second column, opposite to the second last item in the first column, the words "the whole sections".

(2) Subsection (1) shall be deemed to have come into operation on 1 February 1990 immediately before the commencement of the *Real Property Amendment Act (No. 2) 1989*.

### 9. STATUTE LAW REVISION

The provisions of the Acts and Regulations specified in the Schedule are amended as provided for in the Schedule.

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Statute Law Revision

SCHEDULE  
AMENDMENTS

Section 9

| Provision                                     | Amendment   |   |
|---|---|---|
|   | omit  | substitute  |
| <i>Abattoirs and Slaughtering Act</i>         |   |   |
| Section 45(2)                                 | "it was renewed and expires on 31 December next following that day" | "it would expire if not renewed and expires on 31 December of the calendar year for which it is renewed"  |
| Section 48(1)                                 | the whole subsection  | "(1) The holder of a licence may, after 30 September in the calendar year it is to expire, apply in writing to the Chief Inspector for a renewal of the licence for the ensuing calendar year." |
| <i>Abattoirs and Slaughtering Regulations</i> |   |   |
| First Schedule FORM 5                         | "Folio"   | "Folio during the period"   |
| <i>Aboriginal Land Act</i>                    |   |   |
| Section 18(1)                                 | "section 72"  | "section 71"  |
| <i>Bail Act</i>                               |   |   |
| Section 3(1)<br>- definition of "appeal"      | paragraphs (b), (c) and (d)   | <p>"(b) section 58 of the <i>Juvenile Justice Act</i>;</p> <p>(c) section 10 of the <i>Parole of Prisoners Act</i>; or</p> <p>(d) Division 2 of Part X of the <i>Criminal Code</i>;"</p>        |

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SCHEDULE - continued

| Provision   | Amendment  |  |
|---|--|--|
|   | omit   | substitute   |
| Section 3(5)  | the whole subsection   |  |
| Section 18  | "enter into a book, to be kept for that purpose in every police station" | "enter either in a book kept for that purpose in the police station where bail is granted or cause to be stored on a computer maintained for that purpose elsewhere" |
| <i>Building Societies Act</i>                               |  |  |
| Section 5   |  |  |
| - definition of "banker's books"                            | the whole definition   | "'banker's books' has the same meaning as it has in the Evidence Act;"   |
| - definition of "books"                                     | "includes a document"  | "includes a document within the meaning of the Evidence Act"   |
| <i>Credit Unions Act</i>                                    |  |  |
| Section 5   |  |  |
| - definition of "bankers' books"                            | the whole definition   | "'banker's books' has the same meaning as it has in the Evidence Act;"   |
| - definition of "books"                                     | "includes a document"  | "includes a document within the meaning of the Evidence Act"   |
| <i>Evidence (Business Records) Interim Arrangements Act</i> |  |  |
| Section 4   |  |  |
| - definition of "business"                                  | "(b) public administration of"   | "(b) public administration of the Territory,"  |



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SCHEDULE - continued

| Provision                             | Amendment   |  |
|---------------------------------------|---|--|
|                                       | omit  | substitute   |
| - definition of "document"            | the whole definition  |  |
| - definition of "statement"           | the whole definition  |  |
| <i>Fisheries Act</i>                  |   |  |
| Schedule 3                            | the heading   | "FISHERIES MANAGEMENT AREAS AND MANAGED FISHERIES"   |
|                                       | paragraph (p)   | "(p) aquatic life and fish reserves"   |
| <i>Grain Marketing Act</i>            |   |  |
| Section 41(1)                         | "Companies Act"   | "Companies (Northern Territory) Code"  |
| <i>Hospital Management Boards Act</i> |   |  |
| Section 24(3)                         | "Department of Health and Community Services"                   | "Department of the Public Service primarily responsible to the Minister for the administration of this Act or a person appointed by the Departmental Head" |
| <i>Lands Acquisition Act</i>          |   |  |
| Section 88(1)                         | "Northern Territory Supreme Court Act 1961 of the Commonwealth" | "Supreme Court Act"  |
| <i>Police Administration Act</i>      |   |  |
| Section 3(3), (4) and (5)             | the whole subsections   |  |

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SCHEDULE - continued

| Provision  | Amendment  |   |
|--|--|---|
|  | omit   | substitute  |
| Section 14(1)  | "and of Special Constables appointed under this Act"                 |   |
|  | "an Inspector"   | "a Superintendent"                                |
| Section 38   | "proceedings"  | "procedures"                                      |
| Division 3 of Part III   | the whole Division   |   |
| Section 60(4)  | "against a decision of the Commissioner made under section 23 or 24" | "under section 67(1)(b), (d) or (e)"              |
| Section 75(2)  | the whole subsection   |   |
| Section 87(2)(b)   | "section 88(c)"  | "section 88(ba), (c),"                            |
| Section 164(2)   | "notation"   |   |
| <i>Power and Water Authority Act</i>                                   |  |   |
| Section 13(2)(c) and (d)   | "for the time being"   | "from time to time"                               |
| Section 13(3)  | "to a specified person"  |   |
|  | "that person"  | "the delegate"                                    |
| <i>Racing, Gaming and Liquor Commission Act</i>                        |  |   |
| Section 15(2)  | "the Board"  | "the Commission"                                  |
| <i>Registration of Interests in Motor Vehicles and Other Goods Act</i> |  |   |
| Section 3 - definition of "registrable interest"                       | paragraph (d)  | "(d) any other prescribed interest in the goods," |

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SCHEDULE - continued

| Provision   | Amendment                                    |   |
|---|--|---|
|   | omit   | substitute  |
|   |  | whether arising under<br>a law of the<br>Territory or of a<br>participating State;" |
| Section 12(1)(c)<br><i>Status of Children<br/>Act</i>         | "prescribed"                                 | "approved"  |
| Section 13(3)   | all words after<br>"proper person to<br>act" | "as litigation<br>guardian of the<br>child"   |
| Section 13(4),<br>(5), (6) and<br>(7)                         | the whole subsections                        |   |
| Section 16(1)<br><i>Stock Diseases Act</i>                    | "other Act on any rule<br>of law"            | "other Act or any rule<br>of law"   |
| Section 32(2)<br><i>Taxation<br/>(Administration)<br/>Act</i> | "subsection (2)(a)"                          | "subsection (1)(a)"   |
| Section 56M(2)  | "item 5"                                     | "item 20"   |